IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WA.No. 2270 of 2007

AGAINST THE JUDGEMENT IN WPC.15358/2007 Dated 15/06/2007
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APPELLANT/PETITIONER:

GOPALAN A.E.,
ANAKULATHIL HOUSE,
KUALITTIKKARA,
KEECHERY VILLAGE,
KANAYANNUR TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.K.N.CHANDRABABU

RESPONDENTS/ RESPONDENTS:
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1. **THE DY.DIRECTOR,**
   SURVEY & LAND RECORDS (RESURVEY),
   THRIKKAKARA.

2. **THE ASST.DIRECTOR,**
   OFFICE OF THE ASST. DIRECTOR,
   THRIKKAKARA.

3. **RAJAN,**
   AGED 60 YEARS,
   THEKKUMKATTIL HOUSE,
   KULAITTIKARA ,KEECHERY.

4. **BABU T.R,**
   AGED 45 YEARS,
   S/O.RAGHAVAN,
   THEKKUMKATTIL HOUSE,
   KULAITTIKARA,
   KEECHERY DESOM,
   KEECHERY VILLAGE.

5. **ALEY OUSEPH,**
   AGED 75 YEARS,
   W/O. OUSEPH,
   PARAYIL HOUSE,
   KULAITTIKARA,
   KEECHERY DESOM,
   KEECHERY VILLAGE.

BY GOVERNMENT PLEADER SRI. M.P. SREEKRISHNAN.
BY ADV. SRI.VIJAYAN MANNALY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28/11/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M. JOSEPH, J.

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WRIT APPEAL No.2270 of 2007

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Dated this the 28th day of November, 2007.

JUDGMENT

H.L.DATTU, CJ,

Primarily, being aggrieved by the order passed by the second respondent in No.D2.153/2007 dated 13.4.2007, the petitioner was before this court in W.P.(C) 15358 of 2007. The learned Single Judge has rejected the writ petition by his order dated 15th June, 2007. This is how the petitioner is before us in this appeal.

2. In our opinion, if for any reason the petitioner is aggrieved by the orders passed by the second respondent dated 13.4.2007, he has a right of appeal as provided under Section 11 of the Kerala Survey and Boundaries Act. The appeal remedy so provided is not only effective, but also efficacious remedy. Without exhausting the statutory appeal remedy, petitioner could not have approached this court. Therefore, without going into the merits or demerits of the case, the writ appeal is disposed of. Liberty is reserved to the appellant/petitioner, if he so desires, to file appeal against Ext. P2 order passed by the second respondent before the appropriate appellate forum within fifteen days from today. If such an appeal is filed within the time so granted, the appellate authority shall dispose of the appeal without reference to the period of limitation. All the contentions of both the parties are left open.

Consequently, I.A. No.937 of 2007 is dismissed.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb/DK.